

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)
v.) DOCKET NO. 1:05cr209-2
ARMIDA ARRAGON ARROYOS)

) MOTION TO DISMISS INDICTMENT AS
) TO NAMED DEFENDANT
)

NOW COMES the United States of America, by and through Anne M. Tompkins, United States Attorney for the Western District of North Carolina, and the undersigned hereby moves to dismiss the Indictment in this case as against the named defendant.

The named defendant and three of her co-defendants were indicted in June of 2005. Since that time, two of the defendant's co-defendants pleaded guilty for their conduct in the case. The case against the third co-defendant was dismissed. The defendant has been a fugitive in this case since 2007. The undersigned spoke to Special Agent Dan Guzzo of the United States Drug Enforcement Administration and Assistant United States Attorney Jill Rose about the viability of a prosecution should the defendant be apprehended. The government is of the opinion that, given the length of time the defendant has been a fugitive, the case against the defendant should she be apprehended is no longer viable. The government therefore moves to dismiss the pending indictment against the defendant, without prejudice.

The undersigned spoke to the attorney for the defendant as of 2007 and confirmed that he had no objection to the government's motion.

RESPECTFULLY SUBMITTED, this the 28th day of October, 2014.

ANNE M. TOMPKINS
UNITED STATES ATTORNEY

THOMAS M. KENT
ASSISTANT UNITED STATES ATTORNEY
s/ Thomas M. Kent
New York State Bar No. 2966364
100 Otis Street
Asheville, North Carolina 28803
(828)271-4661
Fax: (828)271-4670
Email: thomas.kent@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and will send notification of such filing to counsel for the defendant (who is not on CM/ECF) at: Joel S. Trilling, P.O. Box 2109, Mars Hill, NC 28754.

This the 28th day of October, 2014.

s/ Thomas M. Kent
Assistant U.S. Attorney